

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2752 OF 2005
WITH
CHAMBER SUMMONS NO.328 OF 2005
IN
WRIT PETITION NO.2752 OF 2005
WITH
SUIT NO.1079 OF 1997
WITH
WRIT PETITION NO.2753 OF 2005
WITH
CHAMBER SUMMONS NO.638 OF 2016
IN
SUIT NO.1079 OF 1997

Mrs. Neelam Nathwani And Another	...	Petitioners
Versus		
Mr. Bhanusingh Birendrasingh		
And Others	...	Respondents

Mr. Ieshan Sinha I/b Wadia Ghandy & Co. for the Petitioners in Writ Petition Nos.2752 of 2005 and 2753 of 2005 and the Plaintiffs in Suit No.1079 of 1997.

Mr. Atul Damle, Senior Advocate a/w Mr. Pankaj Kawali, Ms. Jaishree Surati I/b S. Ashwini Kumar & Co. for the Defendant No.1 in Suit No.1079 of 1997 and Respondent No.1 in Writ Petitions.

Mr. M.P. Jadhav, Additional Government Pleader for Respondent Nos.3 and 4 State in Writ Petitions.

Mr. Rupesh R. Lanjekar for Defendant No.3 in Suit No.1079 of 1997.

Kalyani Tulankar a/w Sharmili Mhatre I/b Rohit Shetty for the Applicant in Chamber Summons No.638 of 2016.

CORAM : S.C.GUPTE, J.

DATE : 13 APRIL 2018

P.C. :

. After the matter is heard at some length, it is agreed between learned Counsel for all parties that the Suit pending before the City Civil Court at Mumbai, being Suit No.9821 of 1991, which challenges same agreements which are challenged in the present suit should be brought to this Court so as to be tried along with the present suit, namely, Suit No.1079 of 1997. Since both these suits are being tried together, learned Counsel for the Applicant/Intervenor in Chamber Summons No.638 of 2016 does not press for impleadment to Suit No.1079 of 1997. It is accordingly directed that the papers and proceedings of Suit No.9821 of 1991, pending before the City Civil Court at Mumbai, be transmitted and transferred to this Court. The transferred Suit No.9891 of 1991 shall be tried along with Suit No.1079 of 1997.

2 Since it practically addresses the grievance of the Applicant/Intervenor in Chamber Summons No. 638 of 2016, the other prayer for impleading is not pressed and is declined. Accordingly, Chamber Summons No.638 of 2016 is disposed of.

3 Since the writ petitions challenge the orders passed by the Co-operative Authority under Section 23 of the Maharashtra Co-operative Societies Act, which are passed on the very documents which are challenged in the two suits referred to above, the writ petitions can be taken for hearing only with the two suits. Writ Petition Nos.2352 of 2005 and 2353 of 2005 are, accordingly, adjourned to the hearing of the Suits.

(S.C. GUPTE, J.)